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APPLICATIO	N NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/068,3	13	02/06/2002	Robert L. Miller II	01-2122.02	8860
24504	04 7590 12/01/2005		EXAMINER		
THON	MAS, KAYI	DEN, HORSTEMEY	DELGADO, MICHAEL A		
100 G.	ALLERIA PA	ARKWAY, NW			
STE 1	750			ART UNIT	PAPER NUMBER
ATLANTA, GA 30339-5948				2144	

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/068,313	MILLER ET AL.		
Examiner	Art Unit		
Michael S. A. Delgado	2144		

-The MALLING DATE of this communication appears on the cover sheet with the correspondence address. HE REPLY FILED 14 November 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To svoid abandonment of this application, applicant must limely file one of the following replies: (1) an amendment, affidavit, or other evidence, which specially the proposed of the prior of		Michael S. A. Delgado	2144	
1. ☑ The reply was filled after a final rejection, but prior to or on the same day as filling a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affladivil, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.13; or (3) a Request for Continued Examination (RCC) in compliance with 37 CFR 1.114. The reply must be filled within one of the following time periods: a) ☑ The period for reply expires ② months from the mailing date of the final rejection. b) ☐ The period for reply expires 30 months from the mailing date of the final rejection, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expires than 51% MONTHS for The final rejection, whichever is later. In no event, however, will be statutory period for reply expires on (3) or (6). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRAL REJECTION. See MPEP 766 701(). Extensions of time may be obtained under 37 CFR 1.135(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee set for thin (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any examed patent term adjustment. See 37 CFR 1.136(a). The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 (e), to avoid dismissal of the appeal. Since all Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 (e), to avoid dismissal of the appeal. Since a Notice of Appeal as well as the period of the filed within the order of filing a brief, will not be entered because (a) ☐ they raise new issues of new matter (see NOTE below); (b) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the iss	The MAILING DATE of this communication appe	ars on the cover sheet	with the correspondence a	ddress
this application, applicant must timely file one of the following replies: (1) an amendment, affidavil, or other evidence, 7CP, A1.31; or (3) a Request for Continued Examination (RCE) in compilance with 3 CFR 1.114. The reply must be filed within one of the following time periods: a) The period for reply expires 2 months from the mailing date of the final rejection. b) The period for reply expires 3 months from the mailing date of the final rejection. b) The period for reply expires 3 months from the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire a later than 51% MONTHS from the mailing date of the final rejection. Examiner Note: Ib Not 1 is checked, check either box (a) or (5). ONLY CHECK BXOX (5) WHEN THE FIRST REPL YWAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 705.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the perition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee sort of the filed vive (1) checked. Any reply received by the Office later than three unders after the mailing date of the final rejection, even if may filed, may reduce any seamed patent term adjustment. See 37 CFR 1.704(b). MOTICE CF ACPEEAL. 1. The Notice of Appeal was filed on	THE REPLY FILED 14 November 2005 FAILS TO PLACE THIS	S APPLICATION IN CON	DITION FOR ALLOWANCE.	
b) The period for reply expires on. (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection. In overent, however, with the saturbup period for reply expire later than SIX MONTHS for the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 708 07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above; if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filled, may reduce any seamed patent term adjustment. See 37 CFR 1.704(b). Control of the Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filled, any reply must be filled within the time period set forth in 37 CFR 41.37(a). AMENOMENTS In proposed amendment(s) filed after a final rejection, but prior to the date of filling a brief, will not be entered because (a) They raise he issue of new matter (see NOTE below); (b) They raise not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (see any case the issues of new material see and the application of the sea that the control of the sea of the date of filling and the application of how the new or amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). The amendments are not deemed to place the application i	this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a No a Request for Continued Examination (RCE) in compliance	wing replies: (1) an amen- tice of Appeal (with appe	dment, affidavit, or other evical fee) in compliance with 37	dence, which CFR 41.31; or (3)
no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box 1: is checked, check leith pox (a) or (b). ONLY OFECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 708.07(f). Extensions of time may be obtained under 37 CFR 1.135(a). The date on which the petition under 37 CFR 1.135(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed in the feel of feel of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.73(tr) period of control of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.074(n). NOTICE OF APPEAL 2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the adate of filing the Notice of Appeal as been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(e). No avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(e). AMENDMENTS 3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They traise new issues that would require further consideration and/or search (see NOTE below); (b) They raise not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal and/or (b) They present additional claims without canceling a corresponding number of finally rejected claims. NOTE:				
TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Ethensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.74(b). NOTICE OF APPEAL 2. □ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. □ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) □ They raise new issues that would require further consideration and/or search (see NOTE below); (b) □ They raise the issue of new matter (see NOTE below); (c) □ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) □ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) □ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE:	no event, however, will the statutory period for reply expire la	ater than SIX MONTHS from	the mailing date of the final rej	ection.
have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL 2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 (must be filed within two months of the date of filing the Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37(a), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3.	TWO MONTHS OF THE FINAL REJECTION. See MPEP 7	06.07(f).		
filing the Notice of Appeal (37 CFR 41 37(a)), or any extension thereof (37 CFR 41 37(a)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. □ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) □ They raise new issues that would require further consideration and/or search (see NOTE below); (b) □ They raise the issue of new matter (see NOTE below); (c) □ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) □ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: □ (See 37 CFR 1.116 and 41.33(a)). 4. □ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. □ Applicant's reply has overcome the following rejection(s): □ (a) Power proposed or amended claim(s) □ (b) would be rejected is submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 7. □ For purposes of appeal, the proposed amendment(s): a) □ will not be entered, or b) □ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: 1.23. Claim(s) piejected: 1.23. Claim(s) piejected: 1.23. Claim(s) piejected: 1.23. Claim(s) piejected: 1.23. Claim(s) piejected to: □ (CFR 1.116(s) CFR 1.116(s) The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence filed after the	have been filed is the date for purposes of determining the period of ex under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b)	tension and the corresponding shortened statutory period for than three months after the	ng amount of the fee. The appror	opriate extension fee Office action; or (2) as
3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise net issue of new matter (see NOTE below); (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE:	filing the Notice of Appeal (37 CFR 41.37(a)), or any exte a Notice of Appeal has been filed, any reply must be filed	nsion thereof (37 CFR 41	.37(e)), to avoid dismissal o	
(c)	3. The proposed amendment(s) filed after a final rejection, (a) They raise new issues that would require further co	nsideration and/or search	-	d because
(d) They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: (See 37 CFR 1.116 and 41.33(a)). 4.	(c) They are not deemed to place the application in bet	-	aterially reducing or simplifyi	ng the issues for
 Applicant's reply has overcome the following rejection(s):	(d) They present additional claims without canceling a	· -	finally rejected claims.	
 Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows:	4. The amendments are not in compliance with 37 CFR 1.1	21. See attached Notice	of Non-Compliant Amendme	nt (PTOL-324).
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how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: 1-33. Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE 8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: The argument presented is not persuasive. 12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 2100		llowable if submitted in a	separate, timely filed amend	ment canceling the
Claim(s) rejected: 1-33. Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE 8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: The argument presented is not persuasive. 12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s)	how the new or amended claims would be rejected is pro- The status of the claim(s) is (or will be) as follows: Claim(s) allowed:			n explanation of
AFFIDAVIT OR OTHER EVIDENCE 8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: The argument presented is not persuasive. 12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). DAYD WILEY SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 2100	Claim(s) rejected: <u>1-33</u> .			
because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: The argument presented is not persuasive. 12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). 13. Other: DAND WILEY SUPERVISORY ATENT EXAMINER TECHNOLOGY CENTER 2100	· · · · · · · · · · · · · · · · · · ·			
entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: The argument presented is not persuasive. 12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). 13. Other: DAVID WILEY SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 2100	because applicant failed to provide a showing of good an	It before or on the date of d sufficient reasons why t	filing a Notice of Appeal will the affidavit or other evidence	not be entered e is necessary and
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12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s) 13. Other: **DAVID WILEY SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 2100	because:	ered but does NOT place	the application in condition	for allowance
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